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8 **BEFORE THE**
9 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. OT2007-254

13 **RAMON CASTILLO**

DEFAULT DECISION AND ORDER

14
15 Respondent. [Gov. Code, §11520]
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17 FINDINGS OF FACT

18 1. On or about April 2, 2009, Complainant Heather Martin, in her official capacity as
19 the Executive Officer of the Board of Occupational Therapy, filed Accusation No. OT2007-254
20 against Ramon Castillo (Respondent) before the Board of Occupational Therapy (Board).

21 2. On or about April 7, 2003, the Board issued Occupational Therapy License No. OT-
22 ⁶⁶⁴⁸5072 to Respondent. The Occupational Therapy License was in full force and effect at all times
23 relevant to the charges brought herein and will expire on November 30, 2009, unless renewed.

24 3. On or about April 9, 2009, Thurman Peden, an employee of the Department of
25 Justice, served by Certified and First Class Mail a copy of the Accusation No. OT2007-254,
26 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

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1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is:

3 110 Crockett Timbers Road
4 Limestone, Tennessee 37681.

5 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c).

8 5. Upon delivery of the aforementioned documents on or about April 13, 2009, the
9 Certified Mail Return Receipt was signed and returned to the Department of Justice.

10 6. Government Code section 11506, subdivision (c), states, in pertinent part:

11 "The respondent shall be entitled to a hearing on the merits if the respondent files a notice
12 of defense, and the notice shall be deemed a specific denial of all parts of the accusation not
13 expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
14 right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
16 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
17 OT2007-254.

18 8. California Government Code section 11520, subdivision (a), states, in pertinent part:

19 "If the respondent either fails to file a notice of defense or to appear at the hearing, the
20 agency may take action based upon the respondent's express admissions or upon other evidence
21 and affidavits may be used as evidence without any notice to respondent."

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 evidence on file herein, finds that the allegations in Accusation No. OT2007-254 are true.

25 10. The total costs for investigation and enforcement in connection with the Accusation
26 are \$3,306.25 as of May 11, 2009.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Ramon Castillo has subjected his
3 Occupational Therapy License No. OT-⁶⁶⁴⁸~~5072~~ to discipline.

4 2. A copy of the Accusation is attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Board is authorized to revoke Respondent's Occupational Therapy License based
7 upon the following violations alleged in the Accusation:

8 a. Business and Professions Code sections 2570.28, subdivision (a), and 2570.29,
9 subdivision (a), for unprofessional conduct/possession of a controlled substance.

10 b. Business and Professions Code section 2570.28, subdivision (a), for unprofessional
11 conduct/failure to respond to requests for information.

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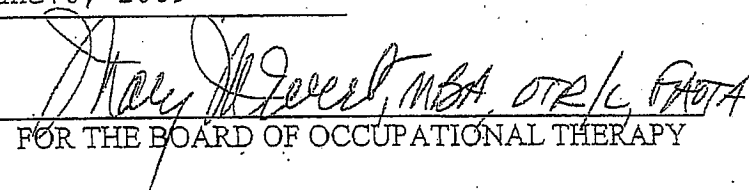
ORDER

IT IS SO ORDERED that Occupational Therapy License No. OT-⁶⁶⁴⁸~~5072~~, heretofore issued to Respondent Ramon Castillo, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 10, 2009.

It is so ORDERED June 10, 2009


FOR THE BOARD OF OCCUPATIONAL THERAPY

60413668.DOC
DOJ docket number: LA2008601516

Attachment:

Exhibit A: Accusation No. OT2007-254